UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,151	09/15/2000	Bradley J. Swearingen	1302-1001	2668

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EXAMINER
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ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
09/663,151</td><td>Applicant(s)
SWEARINGEN ET AL.</td></tr>
<tr><td>Examiner
Narayanswamy Subramanian</td><td>Art Unit
3624</td><td>μ W</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 April 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-66* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-66* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to Applicant's communication filed on April 23, 2004

(Paper No. 4). Election of claims 1-10 with traverse in response to restriction/ election

requirements, and addition of new claims 47-66 have been entered. Applicant's arguments

against restriction are persuasive and hence the restriction of claims made in the last office action

(Paper No. 3) is withdrawn by the examiner. Claims 1-66 are currently pending and have been

examined. The objections to specification and rejections are stated below.

Specification

2.   Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a

separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed

150 words in length since the space provided for the abstract on the computer tape used by the

printer is limited. The form and legal phraseology often used in patent claims, such as "means"

and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist

readers in deciding whether there is a need for consulting the full patent text for details.

The abstract of the disclosure is objected to because it is too long. Correction is required.

See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the art to which said subject

matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall (US

Patent 5,774,878) in view of Korhammer et al (US Patent 6,278,982 B1).

With reference to claims 1, 47 and 57, Marshall discloses a method, a system and a

computer program embodied on a computer readable medium for executing a trade in a user

preferred security, the method comprising the steps of: representing the user preferred securities

in an N dimensional graph on a client system (See Marshall Column 3 lines 40-45, 56-61 and

Column 6 lines 41-48) and selecting one of the user preferred securities from the N dimensional

graph (See Marshall Column 7 lines 18-25). The system and computer program embodied on a

computer readable medium are inherent in the disclosure of Marshall.

Marshall fails to explicitly disclose the steps of associating order parameters with the

selected user preferred security; sending an order to trade the selected user preferred security

from the client system to a server system; and routing the order from the server system to a trade

execution location.

Korhammer teaches the steps of associating order parameters with the selected user

preferred security (See Korhammer Column 3 lines 44-47); sending an order to trade the selected

user preferred security from the client system to a server system (See Korhammer Figure 2,

Column 4 lines 14-25 and Column 8 lines 39-43); and routing the order from the server system

to a trade execution location (See Korhammer Figure 2, Column 4 lines 14-25).

It would have been obvious to one with ordinary skill in the art at the time of the current

invention to include the teachings of Korhammer to the disclosure of Marshall. The combination

of the disclosures taken as a whole suggests that users would have benefited from being able to

make various market decisions, such as when and where to place orders after visualizing the

relevant data.

With reference to claims 2, 48 and 58, Marshall discloses a method, a system and a

computer program of claims 1, 47 and 57 respectively, wherein the step of representing a plurality

of user preferred securities in an N dimensional graph on a client system further comprises the

steps of: providing security data for a plurality of securities to a server system from a security data

source (See Marshall Column 4 line 59 – Column 5 line 24); transmitting user specific criteria

from the client system to the server system (See Marshall Column 9 line 53 - Column 10 line 3);

analyzing the security data for, the plurality of securities based upon the user specific criteria to

identify the user preferred securities in the server system (See Marshall Column 9 lines 42-57 and

Column 10 lines 5-11); and designating N user specific parameters of the security data in the

client system, wherein N is a positive integer (See Marshall Column 1- lines 30-36).

With reference to claims 11, 23 and 34, Marshall and Korhammer combined disclose a

method, a system and a computer program for executing a trade in a user preferred security, the

method comprising the steps of: providing security data for a plurality of securities to a server

system from a security data source; transmitting user specific criteria from the client system to

the server system; analyzing the security data for the plurality of a securities based upon the user

specific criteria to identify the user preferred securities in the server system; designating N user

specific parameters of the security data in the client system, wherein N is a positive integer;

representing the user preferred securities in an N dimensional graph on the client system based

upon the N user specific parameters; selecting one of the user preferred securities from the N

dimensional graph; associating order parameters with the selected user preferred security;

sending an order to trade the selected user preferred security from the client system to the server

system; and routing the order from the server system to a trade execution location.(See

discussion of claims 2, 48 and 58 above).

With reference to claims 12-14, 35, 43 and 44, Marshall discloses the step of providing

security data for a plurality of securities to a server system from a security data source, the step

of parsing the security data into a predetermined number of security related factors (See Marshall

Column 7 lines 48-49 and Column 12 lines 41-59); the step of designating N user specific

parameters of the security data, wherein N is a positive integer, further comprises designating N

user specific parameters of the security data, wherein N is at least 3, thereby graphically

displaying the user preferred securities in a graph having at least 3 dimensions (See Marshall

Column 3 lines 55-61) and the step of designating N user specific parameters of the security

data, wherein N is a positive integer, further comprises designating N user specific parameters of

the security data, wherein N is at least 5, thereby graphically displaying the user preferred

securities in a graph having at least 5 dimensions (See Marshall Page 2 References "Visualizing

n-Dimensional .... Mar 1990" and "Worlds within Worlds - .... 1990"). N-Dimensional visuals

are interpreted to include 5 dimensions also.

With reference to claims 3-10, 15-22, 24-33, 36-41, 45, 46, 49-56 and 59-66, Korhammer

teaches the steps of associating order parameters with the selected user preferred security further

comprises associating a number of shares, a price and an execution method with the selected user

preferred security (See Korhammer Figure 8, Column 3 lines 44-47, 57-60 and Column 4 lines 8-

12); the step of preloading the order parameters prior to the step of selecting one of the user

preferred securities from the N-dimensional graph (See Korhammer Figure 8, the security

symbol could be entered last in the order form); the step of inputting the order parameters after

the step of selecting one of the user preferred securities from the N dimensional graph (See

Korhammer Figure 8, the security symbol could be entered first in the order form); the step of

sending an order to trade the selected user preferred security from the client system to a server

system further comprises sending an order selected from the group comprising a buy order(See

Korhammer Column 10 lines 1-11), a sell order (See Korhammer Column 10 lines 1-11), a short

order (See Korhammer Column 10 lines 50-54, additional types of sell orders are interpreted to

include the short order) and a cancel order (See Korhammer Column 9 lines 39-42, delete orders

are cancel orders); performing compliance analysis on the order in the server system prior to the

step of routing the order from the server system to a trade execution location (See Korhammer

Column 12 lines 1-7); the step of routing the order from the server system to a trade execution

location further comprises routing the order from the server system to a trade execution location

based upon an execution method provided from the client system (See Korhammer Column 11

lines 63-67); the step of routing the order from the server system to a trade execution location

further comprises routing the order from the server system to a trade execution location based

upon an execution method developed in the server system (See Korhammer Column 12 lines 1-

7); and the step of storing information relating to the order in a database in the server system

(See Korhammer Column 9 lines 37-39, book orders on the CCS implies storage of orders in a

database). It would have been obvious to one with ordinary skill in the art at the time of the

current invention to include the teachings of Korhammer to the disclosure of Marshall. The

combination of the disclosures taken as a whole suggests that users would have benefited from

being able to make various trade decisions, such as when and where to place orders after

visualizing the relevant security data.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is

(703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:30 AM to

7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vincent Millin can be reached at (703) 308-1065. The fax number for Formal or

Official faxes and Draft to the Patent Office is (703) 872-9306. Any inquiry of a general nature

or relating to the status of this application should be directed to the Group receptionist whose

telephone number is (703) 308-1113.

N. Subramanian
May 21, 2004

Richard Weisberger
Primary Examiner